

## **2013 DRAFTING REQUEST**

### **Bill**

Received: <b>12/27/2012</b>	Received By: <b>mkunkel</b>
Wanted: <b>As time permits</b>	Same as LRB:
For: <b>Legislative Council - JLC</b>	By/Representing: <b>Chad Brown</b>
May Contact:	Drafter: <b>mkunkel</b>
Subject: <b>Public Util. - telco</b>	Addl. Drafters:
	Extra Copies: <b>CMH</b>

Submit via email: **YES**  
 Requester's email: **[larry.konopacki@legis.wisconsin.gov](mailto:larry.konopacki@legis.wisconsin.gov)**  
 Carbon copy (CC) to: **[chadwick.brown@legis.wisconsin.gov](mailto:chadwick.brown@legis.wisconsin.gov)**

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### **Pre Topic:**

No specific pre topic given

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### **Topic:**

Funding for state 911 communications system

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### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 1/6/2013			_____			
/P1	mkunkel 1/9/2013	jdye 1/7/2013	phenry 1/7/2013	_____	srose 1/7/2013		
/P2	mkunkel 1/21/2013	jdye 1/10/2013	phenry 1/10/2013	_____	sbasford 1/10/2013		

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/1	mkunkel 3/5/2013	jdyer 1/21/2013	jfrantze 1/21/2013	_____	sbasford 1/21/2013		
/2		jdyer 3/5/2013	phenry 3/5/2013	_____	srose 3/5/2013	sbasford 3/11/2013	

FE Sent For:

*none*

&lt;END&gt;

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**Jacketed**

for Assembly  
(see attached)

send attn:  
Kelly

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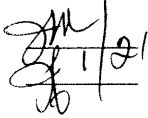
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See attached

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**<END>**



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May Contact:		Drafter:	<b>mkunkel</b>
Subject:	<b>Public Util. - telco</b>	Addl. Drafters:	
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/?	mkunkel 1/6/2013	P2 JLD	1/9 ph	ph/ Jk			
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1/?	mkunkel	P1 / 7 jld	1/2 ph	ph			
1/1			dm 12/27 LC Conversion	ph			

FE Sent For:

<END>

LAK:ksm;

12/07/2012

1     **AN ACT** *to repeal* 256.35 (3) (a) 3. and 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j);  
 2             *to renumber* 256.35 (1) (a); *to renumber and amend* 256.35 (3) (a) 2.; *to amend*  
 3             196.025 (6) (b) 1. and 2., 196.025 (6) (c) 3., 256.35 (3) (title), 256.35 (3) (a) 4.,  
 4             256.35 (3) (h) and 256.35 (6); and *to create* 256.35 (1) (am), (cp), (ct) and (em),  
 5             256.35 (3) (a) 2m. and 256.35 (3) (bm), (cm), (dm) and (em) of the statutes; **relating**  
 6             **to:** funding for the state 911 communications system.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft was prepared for the Joint Legislative Council's Special Committee on 911 Communications.

This draft would direct that any revenue generated annually by the police and fire protection fee (s. 196.025 (6), stats.) in excess of the average of revenue generated by this fee during the 2010-11 and 2011-12 fiscal years, be deposited into the state 911 grant fund ~~created under WLC. 0047/P1.~~ ✓

The draft would also revise the countywide 911 service fee under s. 256.35 (3), stats. Under current law, this fee may be imposed by counties to pay for 911 telecommunications costs associated with landline 911 service. The fee amount is established on a county-by-county basis subject to certain caps, which generally allows a fee of no more than \$0.40 per landline service connection per month. The draft would apply this fee statewide on all active communications service connections (voice or nonvoice) capable of accessing a public safety answering point. County imposition of the fee would no longer be required. ✓

The fee would be capped and initially set at \$0.40 per month per connection for most types of connections. Adjustments to this fee could be made by direction of the state 911 council with approval of the governor. ✓

~~WLC. 0048/P1 directs that the~~ <sup>revenue</sup> fees collected under this subsection would be used to pay for a staff position at the public service <sup>with in the imposed caps</sup> fee. ✓

commission (PSC) and for the PSC's administrative costs associated with providing for state 911 telecommunications service. ~~That draft limits these expenditures to no more than 1% of the collections from the fee.~~ Fees collected under this subsection would also be used to pay for state 911 telecommunications service as provided for in contracts between the PSC and 911 service providers, and pursuant to price schedules filed with the PSC by communications providers. These telecommunications costs would include those associated with wireless and landline 911 service. Fees not used for these purposes would be transferred to the state 911 grant program ~~proposed under WLC~~.  
~~06/2012~~

1 SECTION 1. 196.025 (6) (b) 1. and 2. of the statutes are amended to read:

2 196.025 (6) (b) 1. Except as provided in subd. 2., a communications provider shall  
3 impose a monthly fee of \$0.75 on each communications service connection with an assigned  
4 telephone number, including a communication service provided via a voice over Internet  
5 protocol connection. If a communications provider provides multiple communications  
6 service connections to a subscriber, the communications provider shall impose a separate fee  
7 under this subdivision on each of the first 10 connections and one additional fee for each 10  
8 additional connections per billed account. A communications provider may list the fee  
9 separately from other charges on a subscriber's bill, and if a communications provider does  
10 so, the communications provider shall identify the fee as "police and fire protection fee," or,  
11 if the communications provider combines the fee with a ~~charge fee~~ imposed under s. 256.35  
12 (3) (bm), the communications provider shall identify the combined fee and charge as "charge  
13 for funding ~~countywide~~ state 911 systems plus police and fire protection fee." Any partial  
14 payment of a fee by a subscriber shall first be applied to any amount the subscriber owes the  
15 communications provider for communications service.

16 2. A communications provider that offers a prepaid wireless telecommunications plan,  
17 or a retailer that offers such a plan on behalf of a communications provider, shall impose a fee  
18 equal to \$0.38 on each retail transaction for such a plan that occurs in this state. A

1 communications provider or retailer may state the amount of the fee separately on a bill for  
2 the retail transaction, and if a communications provider or retailer does so, the  
3 communications provider or retailer shall identify the fee as "police and fire protection fee",  
4 or, if the communications provider combines the fee with a fee imposed under s. 256.35 (3)  
5 (bm), the communications provider shall identify the combined fee and charge as "charge for  
6 funding state 911 systems plus police and fire protection fee".

7 SECTION 2. 196.025 (6) (c) 3. of the statutes is amended to read:

8 196.025 (6) (c) 3. The commission and department shall deposit all the first  
9 [\$54,089,000] of fees remitted under subds. 1. and 2. annually into the police and fire  
10 protection fund. The commission and the department shall deposit fees remitted under subds.  
11 1. and 2. in excess of [\$54,089,000] into the state 911 grant fund.

NOTE: This provision of the draft would direct that all funding collected  
under the police and fire protection fee in excess of the average collected  
in the last 2 fiscal years be deposited in the state 911 grant fund ~~proposed~~  
~~under WLC: 0047/P1~~. Collections under the police and fire protection  
fee were \$45,419,000 in 2009-10, \$51,897,000 in 2010-11, and  
\$56,281,000 in 2011-12.

12 SECTION 3. 256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).

13 SECTION 4. 256.35 (1) (~~am~~), (~~cp~~), (ct) and (~~cm~~) of the statutes are created to read:

14 256.35 (1) (~~am~~) "911 service provider" means the entity that provides selective routing  
15 services and manages updates to the automatic location information database and master street  
16 address guide for a particular geographic area under contract with the public service  
17 commission.

18 (cp) "Communications provider" means a person that provides communications  
19 service.

1 (ct) "Communications service" means active voice or nonvoice communications  
2 service that is capable of accessing a public safety answering point.

3 (em) "Master street address guide" means a database of street names and address  
4 number ranges used to determine the proper public safety answering point to which to route  
5 a 911 call and the appropriate police, fire, ambulance, rescue, and medical services agencies  
6 to dispatch.

7 SECTION 5. 256.35 (3) (title) of the statutes is amended to read:

8 256.35 (3) (title) FUNDING FOR COUNTYWIDE SYSTEMS STATE 911 SYSTEM.

9 SECTION 6. 256.35 (3) (a) 2. of the statutes is renumbered 256.35 (1) (cx) and amended  
10 to read:

11 256.35 (1) (cx) "Costs" means the costs incurred by a service supplier communications  
12 provider or a 911 service provider after August 1, 1987 the effective date of this subdivision  
13 [LRB inserts date], in installing and maintaining the trunking and central office equipment  
14 used only to operate a basic or sophisticated system and the database databases used only to  
15 operate a sophisticated system.

NOTE: This revision would include as recoverable costs all  
telecommunications costs incurred by 911 service providers and  
communications providers, as defined above. ✓

① costs incurred for the provision of 911 service between select  
routers and public safety answering points, and other costs associated with  
providing 911 telecommunications service.

16 SECTION 7. 256.35 (3) (a) 2m. of the statutes is created to read:

17 256.35 (3) (a) 2m. "Department" means the department of revenue.

18 SECTION 8. 256.35 (3) (a) 3. of the statutes is repealed.

NOTE: Under this draft, the term "service supplier" is no longer used.  
The entities that may recover 911 telecommunications costs under this  
subsection are 911 service providers and communications providers.

19 SECTION 9. 256.35 (3) (a) 4. of the statutes is amended to read:

1           256.35 (3) (a) 4. "Service user" means any person who is provided ~~telephone service~~  
2   communications service by a ~~service supplier which includes access to a basic or sophisticated~~  
3   ~~system~~ communications provider.

4           SECTION 10. 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j) of the statutes are repealed.

NOTE: ~~These provisions currently allow counties to authorize a charge on exchange telephone service customers within the county and allow service providers to recoup the costs associated with landline 911 telecommunications service under countywide contracts.~~

5           SECTION 11. 256.35 (3) (bm), (cm), (dm) and (em) of the statutes are created to read:

6           256.35 (3) (bm) 1. 'Fee imposed.' Except as provided in subd. 2., a communications  
7   provider shall impose a monthly fee of ~~(\$0.40)~~ subject to any adjustment under par. (cm), on  
8   each communications service connection, including a communication service provided via a  
9   voice over Internet protocol connection. If a communications provider provides multiple  
10   communications service connections to a service user, the communications provider shall  
11   impose a separate fee under this subdivision on each of the first 10 connections and one  
12   additional fee for each 10 additional connections per billed account. A communications  
13   provider may list the fee separately from other charges on a service user's bill, and if a  
14   communications provider does so, the communications provider shall identify the fee as "state  
15   911 fee" or, if the communications provider combines the fee with a fee imposed under s.  
16   196.025 (6), the communications provider shall identify the combined fees as "charge for  
17   funding state 911 systems plus police and fire protection fee". Any partial payment of a fee  
18   by a service user shall first be applied to any amount the service user owes the communications  
19   provider for communications service.

NOTE: ~~The police and fire protection fee is imposed on each communications service connection "with an assigned telephone number". This draft would impose the state 911 fee on each~~

✓  
(remove brackets)

communications service connection, not necessarily only those with an assigned telephone number.

- 1           2. A communications provider that offers a prepaid wireless telecommunications plan,  
2           or a retailer that offers such a plan on behalf of a communications provider, shall impose a fee  
3           equal to ~~(\$0.20)~~ subject to any adjustment under par. (cm), on each retail transaction for such  
4           a plan that occurs in this state. A communications provider or retailer may state the amount  
5           of the fee separately on a bill for the retail transaction, and if a communications provider or  
6           retailer does so, the communications provider or retailer shall identify the fee as "~~police and~~  
7           ~~fire protection fee~~", or, if the communications provider combines the fee with a fee imposed  
8           under s. 196.025 (6), the communications provider shall identify the combined fees as "charge  
9           for funding state 911 systems plus police and fire protection fee".

NOTE: This fee would be capped and initially set at \$0.40 per month per connection for most types of connections and \$0.20 per transaction for prepaid wireless service. Adjustments to this fee could be made by direction of the state 911 council with approval of the governor, as provided in the following paragraph.

- 10           (cm) If directed by the state 911 council under s. 16.9647 (2) (i), and if approved by the  
11           governor, the commission shall change the amount of the fee required under par. (bm). The  
12           commission shall not reduce the fee below the amount necessary to generate sufficient  
13           revenue for the appropriation under s. \_\_\_\_\_. The fee shall not be more than \$0.40 per  
14           communications service connection per month (adjust based on consumer price index). No  
15           later than October 1 of each year the commission shall notify communications providers and  
16           sellers who offer prepaid wireless on behalf of communications providers of any adjustment  
17           to the fee required under par. (bm), and the adjustment shall be effective on January 1 of the  
18           following year.

(Mark, you previously noted that changes to the authority of "councils" may be needed if this council is going to get this much authority. Please include whatever is needed to accomplish this)

(Mark, this is the appropriation you'll be adding in WLC 0046 allowing PSC to cover the cost of their staff person, admin. costs, and telecom. 911 payments to 911 service providers and communications providers)



1 (dm) 1. Except as provided in subd. 2., no later than the first calendar month following  
2 the calendar month in which a communications provider or retailer receives from a service  
3 user a fee imposed under par. (bm), the communications provider or retailer shall remit the fee  
4 to the commission.

5 2. The commission may contract with the department for the collection of fees imposed  
6 under par. (bm). ~~X~~ If the commission and department enter into such a contract, no later than X  
7 the first calendar month following the calendar month in which a communications provider  
8 or retailer receives from a service user a fee imposed under par. (bm). ~~X~~, the communications X  
9 provider or retailer shall remit the fee to the department.

10 (em) The commission may do any of the following:

11 1. Promulgate rules for administering this subsection.

12 2. Bring an action to collect any amount that is required to be remitted under par. (dm).

13 SECTION 12. 256.35 (3) (h) of the statutes is amended to read:

14 256.35 (3) (h) Every service user subject to and billed for a ~~charge~~ fee under this  
15 subsection is liable for that ~~charge~~ fee until the service user pays the ~~charge~~ fee to the service  
16 supplier communications provider.

NOTE: The fees collected under this subsection would be used to pay for  
a staff position at the PSC, for the PSC's administrative costs associated  
with providing for state 911 telecommunications service, and to pay for  
state 911 telecommunications service. (See WLC: 0046/P1.) Fees not  
used for these purposes would be transferred to the state 911 grant  
program proposed under WLC: 0047/P1.

17 SECTION 13. 256.35 (6) of the statutes is amended to read:

18 256.35 (6) TELECOMMUNICATIONS UTILITY REQUIREMENTS. A telecommunications utility  
19 serving a public agency or group of public agencies which have established a sophisticated  
20 system under sub. (2) (e) shall provide by December 31, 1985, or upon establishing a system,

1      whichever is later, such public agency or group of public agencies access to the telephone  
2      numbers of subscribers and the addresses associated with the numbers as needed to implement  
3      automatic number identification and automatic location identification in a sophisticated  
4      system, but such information shall at all times remain under the direct control of the  
5      telecommunications utility and a telecommunications utility may not be required to release  
6      a number and associated address to a public agency or group of public agencies unless a call  
7      to the telephone number "911" has been made from such number. The ~~costs~~ expenses of such  
8      access shall be paid by the public agency or group of public agencies.

**(END)**

## Department of Revenue Insert

(Section 11 of WLC: 0048/P1)

*contract for collection  
of fees*

Create sec. 256.35(3)(fm) and (gm), to provide the department with authority to audit, bring actions, require registration and filing of returns, handle appeals, and impose interest and penalties:

(fm) If the commission enters into a contract with the department under subd. (dm) 2., the department may do any of the following: ✓

1. Determine compliance with this subsection by office or field audit, using the procedures in s. 77.59(1) to (5m), (6), (8), and (8m), Stats. ✓
2. Exercise the powers under s. 77.62, Stats. ✓
3. Require communications providers and retailers to register with the department and file returns in the manner and form prescribed by the department. ✓

(gm) **Appeals.**

1. A communications provider or retailer that disagrees with a notice from the department about an amount due, a refund due, or a refund claim denial relating to the fee may file an appeal with the department.
2. A communications provider's or retailer's appeal shall be in writing and signed. The appeal shall state the facts and reasons for disagreeing with the adjustments and include supporting documents.
3. A communications provider or retailer shall mail or fax the appeal within 60 days after receiving a notice of amount due, notice of refund, or notice of refund claim denial from the department. The appeal shall be submitted to the address or fax number provided in the notice. An appeal that is mailed is considered timely if it is postmarked on or before the due date specified and is received by the department within five days of the due date.
4. The procedures in s. 77.59 (6) (a), Stats., shall apply to an appeal under subds. 1. to 3. ✓
5. a. Within 30 days after a redetermination under subd. 4. is mailed, a communications provider or retailer may file an objection with the

commission. The objection shall set out in detail the grounds upon which the objector regards the bill to be excessive or erroneous.

b. The commission, after at least 10 days notice to the objector, shall hold a hearing on the objection. After the hearing, the commission shall mail a decision by registered mail that includes the amount, if any, to be paid.

c. If the amount to be paid under the order in subdivision par. b. is not paid within 10 days after the determination has been sent by registered mail, the commission or the department may proceed under (fm )2. or (em) 2.

## Kunkel, Mark

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**From:** Konopacki, Larry  
**Sent:** Friday, January 04, 2013 11:41 AM  
**To:** Kunkel, Mark  
**Cc:** Brown, Chadwick  
**Subject:** RE: Question about WLC:0048

Hi Mark, I think it would be appropriate to allow the PSC to make the changes to the fee by order after the change is directed by the council and approved by the Gov.

Allow the PSC to establish what the CPI adjustment would ALLOW the fee to be raised to, but require the Council/Gov. process to actually raise the fee.

Thanks,  
Larry

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Larry A. Konopacki  
Wisconsin Legislative Council  
(608) 267-0683  
[larry.konopacki@legis.wisconsin.gov](mailto:larry.konopacki@legis.wisconsin.gov)

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**From:** Kunkel, Mark  
**Sent:** Friday, January 04, 2013 11:37 AM  
**To:** Konopacki, Larry  
**Subject:** Question about WLC:0048

On page 6, beginning at line 10, you require the PSC to change the amount of the state 911 fee, but only if directed by the council and approved by the gov.

Should we specify that the PSC must promulgate rules changing the fee, or should the PSC be allowed to change the fee by order? Or should the PSC have the option of doing rules or orders? Orders would allow the PSC to change the fee more quickly, as the PSC wouldn't have to go through rule-making. Also, the gov. would have to give prior approval to the change, so you wouldn't be using an order to bypass the gov.'s expanded role in rule-making from last session.

Also, can the PSC do the consumer price index (CPI) adjustments on its own, without council or gov. approval, or are the CPI adjustments like any other change that must be directed by the council and approved by the gov.?

**Kunkel, Mark**

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**From:** Kreye, Joseph  
**Sent:** Thursday, January 03, 2013 3:45 PM  
**To:** Kunkel, Mark  
**Subject:** 0048/P1

I thought it may be easier to cut and paste this out of an email:

(fm) If the commission enters into a contract with the department under ---, the department may require communications providers and retailers to register with the department and file returns in the manner prescribed by the department. If the commission enters into a contract with the department under ---, section 77.59 (1) to (6), (8), and (8m), as it applies to the taxes imposed under subch. III of ch. 77, applies to the fee imposed under this subsection.

**Joseph Kreye**  
**Senior Legislative Attorney**  
Legislative Reference Bureau  
608 266-2263



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0921/P1  
MDK&CMH:.....

O-note

jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

64 MONDAY  
Pm  
1-7

✓

Gen

- 1 AN ACT ...; relating to: funding for the state 911 communications system and  
2 granting rule-making authority. ✓

*Analysis by the Legislative Reference Bureau*

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on 911 Communications. ✓

This bill directs that any revenue generated annually by the police and fire protection fee (s. 196.025 (6), stats.) in excess of the average of revenue generated by this fee during the 2010-11 and 2011-12 fiscal years, is to be appropriated for the state 911 grants created under 2013 LRB-0922.

The bill also revises the countywide 911 service fee under s. 256.35 (3), stats. Under current law, this fee may be imposed by counties to pay for 911 telecommunications costs associated with landline 911 service. The fee amount is established on a county-by-county basis subject to certain caps, which generally allows a fee of no more than \$0.40 per landline service connection per month. The bill applies this fee statewide on all active communications service connections (voice or nonvoice) capable of accessing a public safety answering point. County imposition of the fee would no longer be required.

The fee is capped and initially set at \$0.40 per month per connection for most types of connections. The bill authorizes the Public Service Commission (PSC) to issue annual

orders decreasing or increasing the fee. However, the PSC may order increases only to adjust for inflation. In addition, the PSC may issue an order decreasing or increasing the fee only at the direction of the state 911 council and with the approval of the governor.

2013 LRB-0923 directs that the revenues collected under this fee would be used to pay for a staff position at the PSC and for the PSC's administrative costs associated with providing for state 911 telecommunications service. Revenues collected under this fee would also be used to pay for state 911 telecommunications service as provided for in contracts between the PSC and 911 service providers, and pursuant to price schedules filed with the PSC by communications providers. These telecommunications costs would include those associated with wireless and landline 911 service. Fees not used for these purposes would be transferred to the state 911 grant program created under 2013 LRB-0922.

SECTION 1. 15.01 (4) of the statutes is amended to read:

15.01 (4) "Council" means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Milwaukee River revitalization council has the powers and duties specified in s. 23.18, the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24, and the electronic recording council has the powers and duties specified in s. 706.25 (4), and the state 911 council has the powers and duties specified in ss. 16.9647 (2) and 256.35 (3) (cm).

History: 1977 c. 29, 274; 1979 c. 34; 1983 a. 27, 189, 371, 410, 538; 1985 a. 29, 120, 180; 1987 s. 27, 342, 399; 1989 a. 31, 107, 202; 1991 a. 39, 269, 315; 1993 a. 16, 107, 210, 215; 1995 a. 27 ss. 74 and 9145 (1); 1995 a. 442, 462; 1997 a. 27, 237; 2001 a. 16, 105, 109; 2005 a. 25, 421; 2007 a. 20; 2009 a. 28; 2011 a. 32, 38.

SECTION 2. 196.025 (6) (b) 1. and 2. of the statutes are amended to read:

196.025 (6) (b) 1. Except as provided in subd. 2., a communications provider shall impose a monthly fee of \$0.75 on each communications service connection with an assigned telephone number, including a communication service provided via a voice over Internet protocol connection. If a communications provider provides multiple communications service connections to a subscriber, the communications provider shall impose a separate fee under this subdivision on each of the first 10 connections and one additional fee for each 10 additional connections per billed



1 account. A communications provider may list the fee separately from other charges  
2 on a subscriber's bill, and if a communications provider does so, the communications  
3 provider shall identify the fee as "police and fire protection fee," or, if the  
4 communications provider combines the fee with a charge fee imposed under s. 256.35

5 (3) (bm), the communications provider shall identify the combined fee and charge as  
6 "charge for funding countywide state 911 systems plus police and fire protection fee."

7 Any partial payment of a fee by a subscriber shall first be applied to any amount the  
8 subscriber owes the communications provider for communications service.

9 2. A communications provider that offers a prepaid wireless  
10 telecommunications plan, or a retailer that offers such a plan on behalf of a  
11 communications provider, shall impose a fee equal to \$0.38 on each retail transaction  
12 for such a plan that occurs in this state. A communications provider or retailer may  
13 state the amount of the fee separately on a bill for the retail transaction, and if a  
14 communications provider or retailer does so, the communications provider or retailer

15 shall identify the fee as "police and fire protection fee," or, if the communications  
16 provider combines the fee with a fee imposed under s. 256.35 (3) (bm), the  
17 communications provider shall identify the combined fee and charge as "charge for  
18 funding state 911 systems plus police and fire protection fee."

19 SECTION 3. 196.025 (6) (c) 3. of the statutes is amended to read:

20 196.025 (6) (c) 3. The commission and department shall deposit all fees  
21 remitted under subds. 1. and 2. into the police and fire protection fund, except that  
22 if more than \$54,089,000 in fees are remitted in a fiscal year, the amount exceeding  
23 \$54,089,000 shall be credited to the appropriation account under s. 20.505 (6) (hm).

History: 1993 a. 414; 1999 a. 9; 2001 a. 38; 2003 a. 89; 2005 a. 141; 2009 a. 28.

NOTE: This provision of the bill would direct that all funding collected under the  
police and fire protection fee in excess of the average collected in the last 2 fiscal years

be appropriated for the state 911 grants created under 2013 LRB-0922. ✓ Collections under the police and fire protection fee were \$45,419,000 in 2009-10, \$51,897,000 in 2010-11, and \$56,281,000 in 2011-12. ✓

1        **SECTION 4.** 256.35 (1) (a) ✓ of the statutes is renumbered 256.35 (1) (as). ✓

2        **SECTION 5.** 256.35 (1) (am) ✓ of the statutes is created to read:

3        256.35 (1) (am) "911 service provider" means an entity that contracts with the  
4        commission ✓ to provide selective routing services and manage updates to the  
5        automatic location information database and master street address guide for a  
6        particular geographic area. ✓

7        **SECTION 6.** 256.35 (1) (cp) ✓ of the statutes is created to read:

8        256.35 (1) (cp) "Communications provider" ✓ means a person that provides  
9        communications service. ✓

10       **SECTION 7.** 256.35 (1) (ct) ✓ of the statutes is created to read:

11       256.35 (1) (ct) "Communications service" ✓ means active voice or nonvoice ✓  
12       communications service that is capable of accessing a public safety answering point.

13       **SECTION 8.** 256.35 (1) (d) ✓ of the statutes is repealed. ✓

14       **SECTION 9.** 256.35 (1) (em) ✓ of the statutes is created to read:

15       256.35 (1) (em) "Master street address guide" ✓ means a database of street names  
16       and address number ranges ✓ used to determine the proper public safety answering  
17       point to which to route a call to 911 and the appropriate police, fire, ambulance,  
18       rescue, and medical service agencies to dispatch. ✓

19       **SECTION 10.** 256.35 (3) (title) ✓ of the statutes is amended to read:

20       256.35 (3) (title) ~~FUNDING FOR COUNTYWIDE SYSTEMS~~ ✓ STATE 911 SYSTEM.

21       **SECTION 11.** 256.35 (3) (a) 2m. ✓ of the statutes is created to read:

22       256.35 (3) (a) 2m. "Department" means the department of revenue. ✓

23       **SECTION 12.** 256.35 (3) (a) 4. ✓ of the statutes is amended to read:

1 256.35 (3) (a) 4. "Service user" means any person who is provided telephone  
2 ~~service communications service~~ by a ~~service supplier~~ <sup>plain</sup> which includes access to a basic  
3 ~~or sophisticated system communications provider.~~ ✓

4 SECTION 13. 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j) of the statutes are  
5 repealed. ✓

6 SECTION 14. 256.35 (3) (bm) of the statutes is created to read: ✓

7 256.35 (3) (bm) *Fee imposed.* ✓ 1. Except as provided in subd. 2., a  
8 communications provider shall impose a monthly fee of ~~\$0.40~~ <sup>stet</sup>, subject to any  
9 adjustment under par. (cm), ✓ on each communications service connection, including  
10 a communication service provided via a voice over ✓ Internet protocol connection. If a  
11 communications provider provides multiple communications service connections to  
12 a service user, ✓ the communications provider shall impose a separate fee under this  
13 subdivision ✓ on each of the first 10 ✓ connections and one additional fee for each 10  
14 additional connections per billed account. A communications provider may list the  
15 fee separately from other charges on a service user's bill, and if a communications  
16 provider does so, the communications provider shall identify ✓ the fee as "state 911 fee",  
17 or, if the communications provider combines the fee ✓ with a fee imposed under s.  
18 196.025 (6), ✓ the communications provider shall identify the combined ✓ fees as "charge  
19 for funding state 911 systems plus police and fire protection fee" ✓ Any partial  
20 payment of a fee ✓ by a service user shall first be applied to any amount the service user  
21 owes the communications provider for communications service.

22 2. A communications provider that offers a prepaid wireless  
23 telecommunications plan, or a retailer that offers such a plan on behalf of a  
24 communications provider, shall impose a fee ✓ equal to ~~\$0.20~~ <sup>stet</sup>, subject to any  
25 adjustment under par. (cm), ✓ on each retail transaction for such a plan that occurs

1 in this state. A communications provider or retailer may state the amount of the fee  
2 separately on a bill for the retail transaction, and if a communications provider or  
3 retailer does so, the communications provider or retailer shall identify the fee as  
4 "state 911 fee" or, if the communications provider combines the fee with a fee  
5 imposed under s. 196.025 (6), the communications provider shall identify the  
6 combined fees as "charge for funding state 911 systems plus police and fire protection  
7 fee."

8 **SECTION 15.** 256.35 (3) (cm) of the statutes is created to read:

9 256.35 (3) (cm) *Fee adjustments.* 1. The commission may annually issue an  
10 order decreasing or increasing the amount of the fee required under par. (bm), but  
11 only if directed by the the state 911 council under s. 16.9647 (2) (i) and approved by  
12 the governor. An order under this subdivision may not decrease the fee below the  
13 amount necessary to generate sufficient revenue for the appropriation under s.  
14 20.155 (3) (g) and may increase the fee only to reflect adjustments to the U.S.  
15 consumer price index for all urban consumers, U.S. city average, as determined by  
16 the <sup>federal</sup> U.S. department of labor. No later than October 1 of each year, the commission  
17 shall notify communications providers and sellers who offer prepaid wireless on  
18 behalf of communications providers of any order issued under this subdivision for  
19 that year and any decrease or increase to the fee required under par. (bm) that is  
20 specified in the order shall be effective on January 1 of the following year.

21 2. The commission may advise the council whether any increases to the fee  
22 required under par. (bm) are allowed under subd. 1., but may issue an order  
23 increasing the fee only if directed by the council and approved by the governor.

24 **SECTION 16.** 256.35 (3) (dm) of the statutes is created to read:

1           256.35 (3) (dm) *Fee remittance*.<sup>✓</sup> 1. Except as provided in subd. 2.,<sup>✓</sup> no later than  
2           the first calendar month following the calendar month in which a communications  
3           provider or retailer receives from a service user a fee imposed under par. (bm),<sup>✓</sup> the  
4           communications provider or retailer shall remit the fee to the commission.

5           2. The commission may contract with the department for the collection of fees  
6           imposed under par. (bm).<sup>✓</sup> If the commission and department enter into such a  
7           contract, all of the following apply:<sup>✓</sup>

8           a. No later than the first<sup>✓</sup> calendar month following the calendar month in which  
9           a communications provider or retailer receives from a service user<sup>✓</sup> a fee that is  
10          subject to the contract, the communications provider or retailer shall remit the fee  
11          to the department.<sup>✓</sup>

12          b. The<sup>✓</sup> department may require communications providers and retailers to  
13          register with the department and file returns in the manner prescribed by the  
14          department.<sup>✓</sup>

15          c. Section 77.59 (1) to (6),<sup>✓</sup> (8),<sup>✓</sup> and (8m),<sup>✓</sup> as it applies to the taxes imposed under  
16          subch. III of ch. 77,<sup>✓</sup> applies to the fees that are subject to the contract.<sup>✓</sup>

17          **SECTION 17.** 256.35 (3) (em)<sup>✓</sup> of the statutes is created to read:

18          256.35 (3) (em) *Commission powers*.<sup>✓</sup> The commission may do any of the  
19          following:

20          1. Promulgate rules for administering this subsection.<sup>✓</sup>

21          2. Bring an action to collect any amount that is required to be remitted under  
22          par. (dm).<sup>✓</sup>

23          **SECTION 18.** 256.35 (3) (h)<sup>✗</sup> of the statutes is amended to read:

1           256.35 (3) (h) Fee liability.<sup>✓</sup> Every service user subject to and billed for a charge  
2   fee<sup>✓</sup> under this subsection is liable for that charge fee until the service user pays the  
3   charge fee to the service supplier communications provider.

4           **SECTION 19.** 256.35 (4)<sup>x</sup> of the statutes is amended to read:

5           256.35 (4) ~~DEPARTMENTAL ADVISORY~~<sup>✓</sup> ADVISORY AUTHORITY. The department of  
6   administration<sup>✓</sup> may provide information to public agencies, public safety agencies  
7   and telecommunications utilities relating to the development and operation of  
8   emergency number systems.

**History:** 1977 c. 392; 1979 c. 34, 361; 1981 c. 20 s. 2202 (1) (b); 1981 c. 383; 1983 a. 27; 1983 a. 53 s. 114; 1983 a. 189 s. 329 (31); 1985 a. 29, 120; 1985 a. 297 ss. 12, 76; 1985 a. 332; 1987 a. 27, 403; 1989 a. 31; 1991 a. 39, 267; 1993 a. 16, 388, 496; 1997 a. 218, 283; 1999 a. 185; 2001 a. 109; 2003 a. 48, 320; 2005 a. 25; 2007 a. 130 ss. 160 to 165; Stats. 2007 s. 256.35; 2009 a. 28; 2009 a. 180 s. 126; 2011 a. 32, 275.

9           **SECTION 20.** 256.35 (6) of the statutes is amended to read:

10          256.35 (6) **TELECOMMUNICATIONS UTILITY REQUIREMENTS.** A telecommunications  
11   utility serving a public agency or group of public agencies which have established a  
12   sophisticated system under sub. (2) (e) shall provide by December 31, 1985, or upon  
13   establishing a system, whichever is later, such public agency or group of public  
14   agencies access to the telephone numbers of subscribers and the addresses  
15   associated with the numbers as needed to implement automatic number  
16   identification and automatic location identification in a sophisticated system, but  
17   such information shall at all times remain under the direct control of the  
18   telecommunications utility and a telecommunications utility may not be required to  
19   release a number and associated address to a public agency or group of public  
20   agencies unless a call to the telephone number "911" has been made from such  
21   number. The <sup>plain</sup>~~fees~~ expenses<sup>✓</sup> of such access shall be paid by the public agency or group  
22   of public agencies.

23          **SECTION 21. Nonstatutory provisions.**

**(END)**

d-note  
↓

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0921/P1ins  
MDK:.....

**INSERT TO D-NOTE:**

1  
2 <sup>NO</sup> For example, if a county has entered into a contract for a person to provide services  
3 to the county, and the person is paid under the contract from the fees that are  
4 currently in effect, then the person might argue that the draft impairs its contractual  
5 right to payment. Do we need to consider how to address such a scenario?



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0921/P1dn  
MDK&SCM:.....

date

jld

Larry Konopacki:✓

Please review this preliminary draft to make sure it achieves your intent. In particular, please note the following:

- \* 1. I revised the <sup>second</sup> 2nd paragraph of your prefatory note because LRB-0922 creates an appropriation for the state 911 grants, rather than a new segregated fund for the grants. Also note my related change to your note following the amendment of s. 196.025 (6) (c) 3.
- \* 2. In the last sentence of the <sup>third</sup> 3rd paragraph of your prefatory note, you say that county imposition of the fee would no longer be required. Is it more accurate to say that county imposition is no longer allowed? Also, do we need to consider whether any transitional provisions are necessary to deal with county fees currently in effect under s. 256.35 (3) (b), which is repealed by this draft? <sup>Insert to D-note</sup>
- 3. Do you need to add a note describing the contracts allowed between the PSC and DOR, and DOR's powers under those contracts?
- 4. The draft amends s. 15.01 (4)✓ to ensure that the state 911 council has substantive powers. Note that we will have to make sure that the references to the council and its powers are consistent with the language in LRB-0919. For example, LRB-0919 refers to the council as the 911 advisory council, which must be revised.
- 5. I substantially revised your language for s. 196.025 (6) (c) 3. and made a slight change to your note regarding that language.
- 6. You deleted the definition for "communications provider" in proposed s. 256.35 (1) (cp), but I retained it because the term is used in the draft.
- \* 7. I repealed s. 256.35 (1) (d), which defines "department" as DOA. The only references to DOA in s. 256.35 are in s. 256.35 (4)✓, which I have amended to clarify the reference to DOA, and in s. 256.35 (3m) (d) 1g.✓, which refers to the "department of administration," rather than "department."
- 8. Instead of amending the definition of "costs" in s. 256.35 (3) (a) 2.✓ and renumbering it to s. 256.35 (1) so that it applies throughout s. 256.35, I did not affect that definition in this draft. Instead, we should revise LRB-0923 to make the changes you want

(including your note). However, when we revise LRB-0923<sup>✓</sup>, we should renumber the definition so that it only applies in proposed s. 256.35 (3f). The definition should not apply throughout s. 256.35, because the term "cost" is used in s. 256.35<sup>✓</sup>(3m) (wireless providers), and you do not want to affect the meaning of "costs" in s. 256.35<sup>✓</sup>(3m). The other references to "costs" in s. 256.35<sup>✓</sup>are in paragraphs in s. 256.35 (3) that this draft repeals, or in s. 256.35 (6), for which this draft replaces "costs" with "expenses."

9. I also did not repeal the term "service supplier"<sup>✓</sup> in this draft, as it should be repealed in LRB-0923. As noted above, I did not affect the definition of "costs," which uses the term "service supplier." Because LRB-0923<sup>✓</sup>will be revised to deal with "costs," we should also deal with "service supplier" in that draft.

\* 10. I created titles for ~~the~~ <sup>all</sup> ~~of~~ the paragraphs in s. 256.35 (3).<sup>✓</sup>

11. I made substantial changes to the language in proposed s. 256.35 (3) (cm)<sup>✓</sup> regarding PSC orders to adjust the fee, which are based, in part, on my assumption that the PSC <sup>the fourth</sup> may issue only one order per year. Please review my changes. Also, I revised the ~~4th~~ paragraph of your prefatory note, which describes the PSC's powers. If you disagree with my revisions, please let me know.

12. We simplified the language regarding DOR's duties and included it in proposed s. 256.35 (3) (dm) 2.<sup>✓</sup>

13. I think the cross-reference to s. 256.35 (3)<sup>✓</sup> in s. 77.54 (37)<sup>✓</sup> is still accurate (which deals with a sales and use tax exemption), but we may want to consider whether any changes to s. 77.54 (37) are appropriate.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0921/P1dn  
MDK:jld:ph

January 7, 2013

Larry Konopacki:

Please review this preliminary draft to make sure it achieves your intent. In particular, please note the following:

1. I revised the second paragraph of your prefatory note because LRB-0922 creates an appropriation for the state 911 grants, rather than a new segregated fund for the grants. Also note my related change to your note following the amendment of s. 196.025 (6) (c) 3.
2. In the last sentence of the third paragraph of your prefatory note, you say that county imposition of the fee would no longer be required. Is it more accurate to say that county imposition is no longer allowed? Also, do we need to consider whether any transitional provisions are necessary to deal with county fees currently in effect under s. 256.35 (3) (b), which is repealed by this draft? For example, if a county has entered into a contract for a person to provide services to the county, and the person is paid under the contract from the fees that are currently in effect, then the person might argue that the draft impairs its contractual right to payment. Do we need to consider how to address such a scenario?
3. Do you need to add a note describing the contracts allowed between the PSC and DOR, and DOR's powers under those contracts?
4. The draft amends s. 15.01 (4) to ensure that the state 911 council has substantive powers. Note that we will have to make sure that the references to the council and its powers are consistent with the language in LRB-0919. For example, LRB-0919 refers to the council as the 911 advisory council, which must be revised.
5. I substantially revised your language for s. 196.025 (6) (c) 3. and made a slight change to your note regarding that language.
6. You deleted the definition for "communications provider" in proposed s. 256.35 (1) (cp), but I retained it because the term is used in the draft.
7. I repealed s. 256.35 (1) (d), which defines "department" as DOA. The only references to DOA in s. 256.35 are in s. 256.35 (4), which I have amended to clarify the reference to DOA, and in s. 256.35 (3m) (d) 1g., which refers to the "department of administration," rather than "department."

8. Instead of amending the definition of "costs" in s. 256.35 (3) (a) 2. and renumbering it to s. 256.35 (1) so that it applies throughout s. 256.35, I did not affect that definition in this draft. Instead, we should revise LRB-0923 to make the changes you want (including your note). However, when we revise LRB-0923, we should renumber the definition so that it only applies in proposed s. 256.35 (3f). The definition should not apply throughout s. 256.35, because the term "cost" is used in s. 256.35 (3m) (wireless providers), and you do not want to affect the meaning of "costs" in s. 256.35 (3m). The other references to "costs" in s. 256.35 are in paragraphs in s. 256.35 (3) that this draft repeals, or in s. 256.35 (6), for which this draft replaces "costs" with "expenses."

9. I also did not repeal the term "service supplier" in this draft, as it should be repealed in LRB-0923. As noted above, I did not affect the definition of "costs," which uses the term "service supplier." Because LRB-0923 will be revised to deal with "costs," we should also deal with "service supplier" in that draft.

10. I created titles for all of the paragraphs in s. 256.35 (3).

11. I made substantial changes to the language in proposed s. 256.35 (3) (cm) regarding PSC orders to adjust the fee, which are based, in part, on my assumption that the PSC may issue only one order per year. Please review my changes. Also, I revised the fourth paragraph of your prefatory note, which describes the PSC's powers. If you disagree with my revisions, please let me know.

12. We simplified the language regarding DOR's duties and included it in proposed s. 256.35 (3) (dm) 2.

13. I think the cross-reference to s. 256.35 (3) in s. 77.54 (37) is still accurate (which deals with a sales and use tax exemption), but we may want to consider whether any changes to s. 77.54 (37) are appropriate.

Mark D. Kunkel  
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